
TITLE 329 SOLID WASTE MANAGEMENT DIVISION

Final Rule

LSA Document #22-216(F)

DIGEST

Amends [329 IAC 3.1-6-1](#) concerning the adoption of federal requirements for the identification of liquid waste as an ignitable hazardous waste. Effective 30 days after filing with the Publisher.

HISTORY

Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-7](#) and Second Notice of Comment Period: June 29, 2022, Indiana Register (DIN: [20220629-IR-329220216FDA](#)).

Notice of First Hearing: June 29, 2022, Indiana Register (DIN: [20220629-IR-329220216PHA](#)).

Date of First Hearing: September 14, 2022.

Proposed Rule: October 5, 2022, Indiana Register (DIN: [20221005-IR-329220216PRA](#)).

Notice of Second Hearing: October 5, 2022, Indiana Register (DIN: [20221005-IR-329220216PHA](#)).

Date of Second Hearing: November 9, 2022.

[329 IAC 3.1-6-1](#)

SECTION 1. [329 IAC 3.1-6-1](#) IS AMENDED TO READ AS FOLLOWS:

[329 IAC 3.1-6-1](#) Adoption of federal identification and listing of hazardous waste

Authority: [IC 4-22-2-21](#); [IC 13-14-8](#); [IC 13-22-2-4](#)

Affected: [IC 13-22-2-3](#)

Sec. 1. (a) This rule identifies solid wastes that are subject to:

- (1) regulation as hazardous waste under this article; and
- (2) the notification requirements of [329 IAC 3.1-1](#).

(b) Except as provided in section 2 of this rule, the requirements of 40 CFR 261*, as amended by:

- (1) 81 FR 85713 through 81 FR 85715*;
- (2) 81 FR 85806*;
- (3) 82 FR 60900*;
- (4) 83 FR 61562 through 83 FR 61563*;
- (5) 84 FR 5938 through 84 FR 5939*; and
- (6) 84 FR 67217*; and
- (7) 85 FR 40608*;**

apply to the identification and listing of hazardous waste.

(c) For purposes of this article, a reference to any part of 40 CFR 261 means the version referenced in subsection (b).

*These documents are incorporated by reference. Copies may be obtained from the Government Publishing Office, www.gpo.gov, or are available for review at the Indiana Department of Environmental Management, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Thirteenth Floor, Indianapolis, Indiana 46204.

(Solid Waste Management Division; [329 IAC 3.1-6-1](#); filed Jan 24, 1992, 2:00 p.m.: 15 IR 924; filed May 6, 1994, 5:00 p.m.: 17 IR 2062; readopted filed Jan 10, 2001, 3:25 p.m.: 24 IR 1535; filed Nov 26, 2019, 11:36 a.m.: [20191225-IR-329180481FRA](#); filed Jan 15, 2021, 1:37 p.m.: [20210210-IR-329200204FRA](#); filed Feb 22, 2023, 3:28 p.m.: [20230322-IR-329220216FRA](#))

LSA Document #22-216(F)

Proposed Rule: [20221005-IR-329220216PRA](#)

Hearing Held: November 9, 2022

Approved by Attorney General: February 16, 2023

Approved by Governor: February 21, 2023

Filed with Publisher: February 22, 2023, 3:28 p.m.

Documents Incorporated by Reference: 85 FR 40608, July 7, 2020, edition

Small Business Regulatory Coordinator: Kari Clevenger, IDEM Small Business Regulatory Coordinator/CTAP Small Business Liaison, IGCN 1316, 100 North Senate Avenue, Indianapolis, IN 46204-2251, (317) 233-0572 or (800) 988-7901, ctap@idem.in.gov

Small Business Assistance Program Ombudsman: Drake Abramson, IDEM Small Business Assistance Program Ombudsman/Business, Agricultural, and Legislative Liaison, IGCN 1301, 100 North Senate Avenue, Indianapolis, IN 46204-2251, (317) 232-8921 or (800) 451-6027, dabramso@idem.in.gov

Posted: 03/22/2023 by Legislative Services Agency

An [html](#) version of this document.